Students BP 5145.7

SEXUAL HARASSMENT

San Diego Unified School District is committed to making the schools free from sexual harassment and discrimination. Sexual harassment is a form of sex discrimination under Title IX of the Education Amendments of the Civil Rights Act of 1972 and is prohibited by both federal and state laws. The district prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. Sexual harassment is defined in Education Code to mean unwelcome sexual advances; requests for sexual favors; or verbal, visual, or physical conduct of a sexual nature, made by someone from or in the educational setting. Federal law defines sexual harassment to include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291.

The Board of Education is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)

The district strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal, if at a school, or manage, if in a non-school setting; who shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator or designee shall ensure the complaint is addressed through Title IX complaint procedures or uniform complaint procedures, as applicable, and shall offer supportive measures to the complainant.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved.

5. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made.

6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable.

**Title IX Coordinator**

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Lynn A. Ryan  
Title IX Coordinator and Uniform Complaint Officer  
San Diego Unified School District  
4100 Normal Street, Rm 2129  
San Diego, CA 92103  
(619) 725-7225  
lryan@sandi.net

(cf. 1312.3 - Uniform Complaint Procedures)

**Disciplinary Actions**

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

(cf. 4117.4 - Dismissal)  
(cf. 4117.7 - Employment Status Report)  
(cf. 4118 - Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

**Record-Keeping**

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.  
(cf. 3580 - District Records)
Legal Reference:

**EDUCATION CODE**
- 200-262.4 Prohibition of discrimination on the basis of sex
- 48900 Grounds for suspension or expulsion
- 48900.2 Additional grounds for suspension or expulsion; sexual harassment
- 48904 Liability of parent/guardian for willful student misconduct
- 48980 Notice at beginning of term

**CIVIL CODE**
- 51.9 Liability for sexual harassment; business, service and professional relationships
- 1714.1 Liability of parents/guardians for willful misconduct of minor

**GOVERNMENT CODE**
- 12950.1 Sexual harassment training

**CODE OF REGULATIONS, TITLE 5**
- 4600-4687 Uniform complaint procedures
- 4900-4965 Nondiscrimination in elementary and secondary education programs

**UNITED STATES CODE, TITLE 20**
- 1221 Application of laws
- 1232g Family Educational Rights and Privacy Act
- 1681-1688 Title IX, discrimination

**UNITED STATES CODE, TITLE 42**
- 1983 Civil action for deprivation of rights
- 2000d-2000d-7 Title VI, Civil Rights Act of 1964
- 2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

**CODE OF FEDERAL REGULATIONS, TITLE 34**
- 106.1-106.71 Nondiscrimination on the basis of sex in education programs

**COURT DECISIONS**
- Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
- Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
- Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

**CSBA PUBLICATIONS**
- Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
- Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

**U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS**
- Questions and Answers on Title IX and Sexual Violence, April 2014
- Dear Colleague Letter: Sexual Violence, April 4, 2011
- Sexual Harassment: It's Not Academic, September 2008
- Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

**WEB SITES**
- CSBA: http://www.csba.org
- California Department of Education: http://www.cde.ca.gov
- U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

Policy
- adopted: July 25, 2017
- Effective: October 1, 2017
- Revised: January 26, 2021, March 25, 2021